DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

Together With TENNESSEE OSHA

FALL 2008

A PUBLICATION OF THE TENNESSEE DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

TOSHA ANNUAL REPORT

The last annual report was made in the fall 2007 edition of this newsletter. In the intervening year, the TOSHA senior staff has remained stable. One TOSHA occupational safety supervisor retired from TOSHA, and two industrial hygienists left to pursue other opportunities. Two new industrial hygienists were hired. There was a slight increase in the number of employers covered by TOSHA laws (1%) and a slight decrease in the number of employees in the state (3%).

The TOSHA Advisory Council now has full membership with the appointment of Pete Dickson of the Associated Builders and Contractors in Nashville, Marissa Griggs from Goodyear Tire in Union City, and Tony Adams of IBEW in Nashville to the council. Kim Enoch of Associated General Contractors in Knoxville has been appointed to the TOSHA Review Commission. The commission remains active and there are now only seven contested cases before the commission and seven cases pending closure.

This past year saw an increase in TOSHA inspections (up to 2,500) and in hazards identified (up to 9,615) by TOSHA compliance staff, and once again more than $2 million in civil penalties proposed. TOSHA consultants conducted 525 site visits and identified 4,022 hazards. Our special emphasis programs remain active, and three new targeting initiatives have been added on combustible dusts, petroleum refineries, and diacetyl-microwave popcorn processing.

Twenty-seven companies have been awarded the prestigious Volunteer STAR for maintaining outstanding safety and health management systems at their worksites. Fifteen companies are part of TOSHA's SHARP program that recognizes small employers who operate exemplary safety and health programs.

No changes were made to the TOSHA Act during the most recent legislative session.

The top three most cited health standards last year by average penalty were bloodborne pathogens (#3), ventilation for abrasive blasting (#2), and air contaminant overexposures (#1). For safety standards the top three by average penalty were unguarded mechanical power transmission (#3), machine guarding (#2), and general duty (#1).

TOSHA SUMMARY

Number of employers covered by TOSHA laws increased 1%

Number of employers in state decreased by 3%

TOSHA inspections increased up to 2,500

TOSHA compliance staff identified 9,615 hazards

$2,000,000 in civil penalties were proposed

525 consultative site visits were made with 4,022 hazards identified

27 companies have achieved Volunteer Star for safety

Top three cited health standards were bloodborne pathogens (#3), ventilation for abrasive blasting (#2), and air contaminant overexposures (#1)

TOSHA Training Requirements for Emergency Response

The Hazardous Waste and Emergency Response Standard, 29 CFR 1910.120, in paragraph (q) dictates how responses to releases of, or substantial threats of releases of, hazardous substances must be handled, regardless of their location. Covered employees generally include first responders, such as HAZMAT team members, fire and rescue personnel, police, and medical personnel who may respond to emergency releases. Paragraph (q), however, does not apply to "incidental releases" of hazardous substances, which are releases that do not pose a significant safety or health hazard to employees in the immediate vicinity or to the employees cleaning up.

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Together with TOSHA is the newsletter of the Division of Occupational Safety and Health.

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The Price is Right!

Free — TOSHA Consultation assistance is free of charge to employers.

No Penalty — No citations are issued for hazards identified by the consultant, and no penalties are proposed.

Confidential — TOSHA Consultative Services is a confidential service that is completely separate from TOSHA enforcement operations. Only if an employer refuses to eliminate or control a serious hazard or imminent danger situation within the agreed upon time frames will TOSHA enforcement staff be notified.

TOSHA Consultation provides several benefits, all at no cost to you, the employer. Onsite consultants do the following:

- Help you recognize hazards in your workplace.
- Suggest approaches or options for solving a safety or health problem.
- Identify sources of help available to you if you need further assistance.
- Provide you with a written report that summarizes these findings.
- Assist you in developing or maintaining an effective safety and health program.
- Offer training and education for you and your employees at your workplace and, in some cases, away from the site.
- Under specified circumstances, recommend you for recognition by TOSHA's SHARP program and an exemption from general schedule TOSHA enforcement inspections.

For more information call 1-800-325-9901

TOSHA Training Requirements for Emergency Response

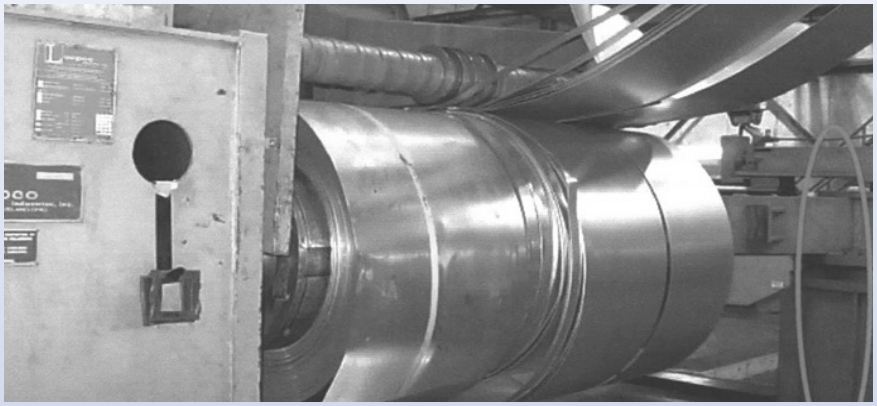
(Continued from page one)

Emergency responders must be trained prior to their participation in emergency response operations, and their training must be based on the functions and duties the responders will be expected to perform. Below is a table outlining the training requirements of such personnel. A statement of training or competency must be maintained by the employer, along with a record of the methods used to demonstrate competency.

Training Requirements — Emergency Response Operations	
Emergency Responders [1910.120(q)(6)]	
First Responder Awareness Level (Witnesses or discovers a release of hazardous substances and is trained to notify the proper authorities)	Sufficient initial training and competencies Annual refresher
First Responder Operations Level (Responds to the releases of hazardous substances in a defensive manner, without trying to stop the release)	8 hours initial training and competencies Annual refresher
Hazardous Materials Technician (Responds aggressively to stop the release of hazardous substances)	24 hours initial training and competencies Annual refresher
Hazardous Materials Specialist (Responds with and in support of HAZMAT technicians, but has specific knowledge of various hazardous substances)	24 hours initial training and competencies Annual refresher
On-Scene Incident Commander (Assumes control of the incident scene beyond the first responder awareness level)	24 hours initial training and competencies Annual refresher

Condition: The machine was not guarded so as to protect the operator or other employees from potential hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks.

Potential Effects: Cuts, abrasions, severed fingers, and crushed hands and arms from contact with exposed nip point or rotating part; cuts, puncture wounds, and blindness from flying chips; burns, from flying sparks.



Recommended Action: Provide guards and/or barriers on the machine to prevent the operator or other employees from exposure to the hazards. Examples of guarding methods are barrier guards, two-hand tripping devices, electronic safety devices, etc. Additionally, provide training in safe operating procedures that qualify the designated operators to operate the machine in a safe manner.

Standard: 29 CFR 1910.212(a)(1)—General Duty Machine Guarding

Hearing Conservation, Part 3

The noise standard allows baseline audiograms to be revised (replaced by a later audiogram) by the audiologist, otolaryngologist, or physician evaluating the audiogram when the following occurs:

1. The standard threshold shift (STS) revealed by the audiogram is persistent. Persistent means that the same STS is continually shown with each subsequent audiogram. Only one STS (average 10 dB hearing loss) has occurred at this point, and the goal is to prevent another STS from occurring. If an STS has been established, then it must be recorded on the OSHA 300 Log if it meets the recordability criteria. (Recordability was discussed in the summer newsletter.) The baseline can then be revised for only the ear with the STS. Subsequent audiograms are then compared to the revised audiogram.

OR

2. The hearing threshold shown in the annual audiogram indicates significant improvement over the baseline audiogram.

These are the only two reasons for revising the baseline that are allowed under the noise standard. It is important that revision of the baseline be done carefully so that STS's (hearing losses) are not missed. If age correction factors are to be applied to determine STS's, they must be applied consistently so that a baseline is not incorrectly revised, which can lead to a missed STS, which can lead to additional hearing loss. If an STS has occurred, the STS follow-up procedures are important to ensure that the hearing loss does not get worse. Bottom line: once a hearing loss has occurred (STS), and especially a recordable loss, it is vital to protect the employee's hearing and not allow additional loss to occur.

LEARN & LIVE

Consultative Services
On-site Problem Solver

A manufacturer of scaffolding was cited by TOSHA compliance when personal sampling revealed that employees were overexposed to welding fumes. Ventilation was determined to be the most likely solution to the overexposures. Company management and employees working together with TOSHA consultative services for a solution decided to try the use of permanently mounted industrial fans to remove the fumes. Historically, portable fans along with good work practices have reduced welding fume exposures. The industry turned the fans around to "pull" the welding fumes from the source and away from the employees. Any such engineering control must fit the structure of the work and employees' work habits to be successful.

This control worked for this company and reduced employee exposure to below the Permissible Exposure Limit (PEL). This approach may work for other companies faced with a similar problem, but adjustments may be necessary on a trial and error basis to achieve optimum results.

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